

**REMARKS/ARGUMENTS**

Claims 1-37 stand allowed in the outstanding Official Action.

The Examiner's indication of PTO acceptance of the originally filed formal drawings is very much appreciated. Additionally, the PTO's acknowledgment of Applicants' claim for priority and receipt of the certified copy of the priority document is very much appreciated. Finally, the Examiner's consideration of the prior art submitted with Applicants' previously filed Information Disclosure Statements is appreciated.

In section 1, page 2 of the Official Action, the Examiner indicates that he has withdrawn the previously filed restriction requirement. It is very much appreciated that the Examiner agrees that there is no need for a restriction requirement in this application.

In section 2 on page 2 of the Official Action, the Examiner makes two objections – one to the purported title of the application and the other with respect to alleged missing section headings.

The Examiner alleges that the present application is titled "International Search Report." The Examiner is believed to be incorrect in this contention as the PAIR system indicates that the title is "STRUCTURED LIGHT PROJECTOR." Additionally, one only need look at the PTO "Filing Receipt" mailed September 7, 2005 to learn that the title of the application was "STRUCTURED LIGHT PROJECTOR" (while the term "title" is at the bottom of page 1 of the filing receipt, the actual title "STRUCTURED LIGHT PROJECTOR" is at the top of page 2 of the filing receipt).

Therefore, the PTO records clearly indicate the correct actual title to this application. Should the Examiner's papers not reflect this title, the Examiner is authorized to make whatever

Examiner's Amendments he wishes in order that his papers have a title consistent with the title in the filing receipt, i.e., "STRUCTURED LIGHT PROJECTOR." Any further objection to the specification based upon the title is respectfully traversed.

The Examiner also suggests that "several section-headings are missing in the specification." It is also appreciated that the Examiner has brought the arrangement of the specification to the applicant's attention. It is noted that the objection to the arrangement appears to be an indication that the originally filed specification and drawings (transmitted from WIPO) do not meet the formality requirements of the U.S. Patent and Trademark Office. The Patent Office is reminded that the U.S. Patent and Trademark Office must comply with all articles of the Patent Cooperation Treaty (PCT) including Article 27. It has been held that:

"if the rule and interpretation of the PTO conflicts with the PCT, it runs afoul of Article 27 of the PCT which provides in part:

- (1) No national law shall require compliance with requirements relating to the form or contents of the international application different from or additional to those which are provided for in this Treaty and the Regulations." Caterpillar Tractor v. Commissioner, 231 USPQ 590, 591 (EDVA 1986).

The Patent Office has referenced this decision in the Official Gazette dated September 9, 1986 (1070 TMOG 5).

As a consequence, the Patent Office may not require specification format changes as long as the originally submitted documents comply with the PCT requirements. Inasmuch as this specification was forwarded for WIPO, by definition, it meets the PCT requirements (it is not forwarded until it meets PCT requirements.). Therefore, the objection to the specification is respectfully traversed and reconsideration thereof is respectfully requested.

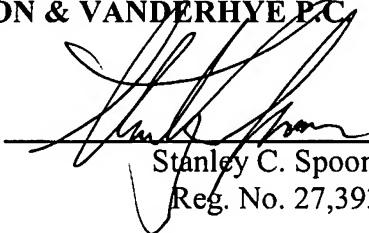
The Examiner's indication of allowance of claims 1-37 is very much appreciated.

Having responded to all objections and rejections set forth in the outstanding Official Action, confirmation of allowance of claims 1-37 is respectfully requested. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact Applicants' undersigned representative.

Respectfully submitted,

**NIXON & VANDERHYTE P.C.**

By: \_\_\_\_\_

  
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